

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

**JERMAINE S. PICKENS,**

Plaintiff,

**v.**

**No. 23-cv-2394**

**MINACT, INCORPORATED,**

**Defendant.**

## ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING CASE

Before the Court is the Report and Recommendation (the "Report") filed by Chief United States Magistrate Judge Tu M. Pham on August 14, 2023. (ECF No. 8.) In the Report, the Magistrate Judge recommends that Plaintiff Jermaine S. Pickens' complaint be dismissed for failure to pay the filing fee. (Id.) The docket indicates that Plaintiff has not paid the fee to date.

Pursuant to Federal Rule of Civil Procedure 72(b)(2), “[w]ithin 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations.” No objections to the Report have been filed, and the time for filing objections expired on August 31, 2023. See Fed. R. Civ. P. 6(d), 72(b)(2).

"There is no indication that Congress . . . intended to require a district judge to review a magistrate's report to which no objections are filed." Thomas v. Arn, 474 U.S. 140, 152 (1985). Absent objection and provided there is no obvious error apparent from the face of the report, a district court may simply adopt the magistrate judge's report without further review. See United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981) (holding that "further appeal is waived" if a party fails to object to a magistrate judge's report); Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."). There is no obvious error in the Report. The Court ADOPTS the Report in its entirety. Plaintiff's complaint is DISMISSED without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

SO ORDERED this 6th day of September, 2023.

/s/ Samuel H. Mays, Jr.  
 SAMUEL H. MAYS, JR.  
 UNITED STATES DISTRICT JUDGE